

EXHIBIT D

Robert W. McFarland
Direct: 757.640.3716

rmcfarland@mcguirewoods.com
Fax: 757.640.3966

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BY EMAIL

Alan D. Wingfield, Esq.
alan.wingfield@troutmansanders.com
Michael E. Lacy, Esq.
Michael.lacy@troutmansanders.com
Massie P. Cooper, Esq.
Massie.cooper@troutman.com
Troutman Sanders, LLP
1001 Haxall Point
Richmond, VA 23219

Elizabeth S. Flowers, Esq.
liz.flowers@troutmansanders.com
John C. Lynch, Esq.
john.lynch@troutmansanders.com
Kathleen M. Knudsen, Esq.
Kathleen.knudsen@troutman.com
Troutman Sanders, LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462

Monica McCarroll
mmccarroll@redgravellp.com
Redgrave LLP
14555 Avion Parkway, Suite 275
Chantilly, VA 20151

Thomas Robert Gentry
thomas.gentry@skadden.com
John Reed Thornburgh, II
john.thornburgh@skadden.com
Tara Lee Reinhart
tara.reinhart@skadden.com
Skadden Arps
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111

James L. Chapman, IV, Esq.
jchapman@cwm-law.com
W. Ryan Snow, Esq.
wrsnow@cwm-law.com
Darius K. Davenport, Esq.
ddavenport@cwm-law.com
David C. Harnett, Esq.
dhartnett@cwm-law.com
Crenshaw, Ware & Martin, PLC
150 West Main Street, Suite 1500
Norfolk, VA 23510

Re: *CSX Transportation, Inc., et al v. Norfolk Southern Railway Company, et al*
Civil Action No.: 2:18-cv-00530

Dear Counsel:

In keeping with our discussions on Tuesday, June 2, 2020, CSX believes it is entitled to additional discovery, based on the information and documents we obtained immediately before, during and after the depositions taken in February and March, 2020, particularly as to what we

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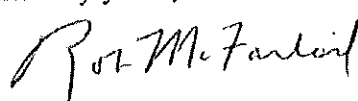
obtained from NS. In that respect, we note that NS had advised the Court that its document production would be substantially complete on February 7, 2020. Before February 7, 2020, we received approximately 36,000 pages of documents from NS. On February 7 we received an additional approximately 68,000 pages from NS. We began depositions on February 14. On February 28 NS produced approximately 95,500 pages of documents and on March 10 NS produced another approximately 106,000 pages of documents. In short, approximately 2/3 of the document pages produced to date by NS were produced after the "substantial completion" date.

The documents produced on and after February 7, 2020 impacted CSX's discovery needs. Accordingly, we desire to take the depositions of Cary Booth, Rob Martinez and Amanda Nelson. We are also entitled to reopen the depositions of Chris Luebbers, Michael McClellan and Jeffrey Heller to inquire about matters and documents that were not known and/or produced when their depositions were taken.

It is our understanding that the Defendants prefer to let CSX complete its additional discovery before they begin their depositions of the CSX and third party witnesses. We are amenable to that process, and assuming conditions permit, we believe we can complete that additional discovery in July or early August. We envision the Defendants beginning depositions in August, and would agree they may continue in September.

We look forward to further discussing the resumption of depositions on Monday, June 8. With best wishes, I am

Sincerely yours,



Robert W. McFarland

RWM:kyw

CC: Benjamin L. Hatch, Esq. (bhatch@mcguirewoods.com)
Ashley P. Peterson, Esq. (apeterson@mcguirewoods.com)
V. Kathleen Dougherty, Esq. (vk dougherty@mcguirewoods.com)